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**\*ADMITTED IN ILLINOIS**

June 26, 2019

**VIA FACSIMILE (202) 252-2599**

Office of the United States Attorney, Civil Division  
555 4th Street, NW  
Washington, D.C. 20530

**RE: NOTICE OF VIOLATIONS OF THE FLORES SETTLEMENT AGREEMENT**

Dear Sir or Madam:

This letter is to confirm that I represent G.M.C.B., A# [REDACTED], DOB [REDACTED], a seven-year old girl, who has been unlawfully detained by the U.S. Department of Homeland Security at one or more CBP Border Holding Facilities in violation of the Flores Settlement Agreement and her Constitutional rights to due process of law and family integrity. My G-28, Notice of Appearance as Attorney signed by G.M.C.B.'s father and a copy of his identification and her birth certificate, are attached. G.M.C.B. was originally detained on June 16, 2019, separated and removed from the care of her aunt with whom she was traveling on June 17, 2019, and then held for more than a week at the Clint Border Facility. First, G.M.C.B. is not and has never been an "unaccompanied child" as defined in the TVPRA, because she has, at all times, had both of her biological parents (who are married to one another and reside together) available and ready to take custody of her in the United States. Second, **for the past four days** G.M.C.B.'s frantic parents have been told via the office of Rep. Veronica Escobar that she has been "in transit," originally moved from the Clint facility on Sunday, June 23, 2019 supposedly en route to an ORR placement in Combes, Texas until Tuesday, June 25, 2019 (a 72-hour transit for a 12-hour drive), her ORR placement was purportedly canceled yesterday, she was then allegedly sent back to the Clint facility, supposedly to be placed in ORR custody in San Antonio, and then supposedly placed in ORR custody in El Paso, and now supposedly being placed in ORR custody in San Antonio again, etc. We have no accurate information regarding her whereabouts for the past four days, and G.M.C.B. has had no communication with her parents during that time.

By way of background, G.M.C.B. is the child referred to in various media reports as follows "A second-grader we interviewed entered the room silently but burst into tears when we asked who she traveled with to the US. 'My aunt,' she said, with a keening cry. A bracelet on her wrist had the words 'US parent' and a phone number written in permanent marker. We called the number on the spot and found out that no one had informed her desperate parents where she was being held." <https://www.cnn.com/2019/06/24/opinions/children-migrant-centers-at-border-long->

[austin-hillary/index.html](#) and “*We received reports from children of a lice outbreak in one of the cells where there were about twenty-five children, and what they told us is that six of the children were found to have lice. And so they were given a lice shampoo, and the other children were given two combs and told to share those two combs, two lice combs, and brush their hair with the same combs, which is something you never do with a lice outbreak. And then what happened was one of the combs was lost, and Border Patrol agents got so mad that they took away the children's blankets and mats. They weren't allowed to sleep on the beds, and they had to sleep on the floor on Wednesday night as punishment for losing the comb. So you had a whole cell full of kids who had beds and mats at one point, not for everybody but for most of them, who were forced to sleep on the cement,’ Warren Binford, a law professor at Willamette University who interviewed several children at the facilities told the New Yorker.*” <https://www.newsweek.com/border-patrol-allegedly-turning-down-donations-soap-diapers-toys-texas-facilities-housing-1445660> G.M.C.B. was one of the children punished by being forced to sleep on the cold tile floor without blankets, was crying on the phone with her father after she was told of her punishment for this, and the father spoke to the CBP Officer to request that this inhumane treatment of his daughter stop immediately. According to the father, the CBP Officer on the line stated that, for so doing, he would no longer have contact with his daughter, and hung up the phone. G.C.M.B.’s family has been unable to speak to her since that time.

As G.M.C.B.’s counsel, I request that you immediately provide me with a timeline of her detention including all of her location(s), a timeline of her four days of transit around the state of Texas, and confirmation of her current state of health by the end of the day. Per her rights as a Flores class member, we request that she immediately be allowed to contact her family via telephone. Further, as we intend to file a Bivens claim against the CBP Officer who punished her by forcing her to sleep on the floor and depriving her of blankets, and intentionally violating her rights under the Flores Settlement Agreement by cutting off her communication with her family, we request that you provide the name of the CBP Officer(s) responsible for Genesis on the day of her last telephone call with her family, which was June 22, 2019.

The decision of the Department of Homeland Security to designate G.M.C.B. as a UAC when both of her biological parents are in the United States, ready and available to take custody of her, the failure to conduct an individualized determination of G.M.C.B.’s needs, the failure to attempt to reunify G.M.C.B. with a parent or other family member, and the extended detention of G.M.C.B. at one or more Border Holding Facilities, ostensibly in order to place her in the custody of the Office of Refugee (which has still not occurred) was and is improper and unlawful. G.M.C.B. will imminently seek federal judicial review of her “placement” or in this case, the government’s unlawful extended border detention and failure to place her with her parent or another relative, in the United States District Court for the District of Columbia pursuant to paragraph 24B of the Flores Settlement Agreement among other claims. This letter serves to notify you of the government’s breach of numerous provisions of the Flores Settlement Agreement including but not limited to paragraphs 11, 12, 14, 24B and 36.

Please contact me immediately to conference via telephone; given the urgency of the matter and the intentional and deliberate nature of the government’s actions, we intend to file a complaint

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in federal district court, as well as a request for an Emergency TRO and Preliminary Injunction, as soon as practicable, but no later than tomorrow.

Thank you for your attention to this matter.

Very truly yours,



Amy Maldonado  
Attorney at Law  
Licensed in Illinois

AM/adr

cc: Center for Constitutional Law - (213) 386-9484  
National Center for Youth Law – (510) 835-8099  
Office of the U.S. Attorney, Central District of California – (213) 894-0141  
DOJ Office of Immigration Litigation – (202) 305-7000